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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition(S) No.7331/2007

Petitioner Sunder Das Kuldeep, aged about 42 years, S/o Shri Preetam Das Kuldeep, Presently posted and working as Assistant Veterinary Field Officer, Unit Chichgaon, District North Bastar (Kanker) (C.G.)
R/o Ward No.5, Nagar Panchayat, Bhanupratappur, District North Bastar (Kanker) (CG)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Department of Agriculture (Animal Husbandary), D.K.S. Building, Mantralaya, Raipur (C.G.)
2. Director, Directorate of Agriculture (Animal Husbandry), Raipur (C.G.)
3. Deputy Director, Animal Husbandry Services, Kanker, District North Bastar (Kanker) (CG)

Writ petition under Article 226 of the Constitution of India

Appearance:

Shri Shashank Thakur, counsel for the Petitioner.

Shri Satish Gupta, Dy. Govt. Advocate for the State on advance copy.

ORAL ORDER
(12.12.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is working on the post of Assistant Veterinary Field Officer, has been transferred from Veterinary Hospital, Bhanupratappur, Kanker to Veterinary Hospital, Ilmedi, District Dantewada on administrative grounds. After passing of the order on 29th June 2007, another order dated 23.11.2007 has

been issued by the local authority to hand over the charge by the petitioner so that he may be relieved to join at the transferred place.

Learned counsel for the petitioner submits that after passing of the order on 29th June 2007, the petitioner was not relieved till 23.11.2007 and on 23.11.2007 only, he has been asked to give charge, therefore, after a long period, the order is being complied with, which is not in accordance with law.

I have considered the points raised by learned counsel for the petitioner.

I do not find any force in such arguments.

There may be many reasons for the local authority to not relieve a particular person at a particular point of time and relieving after the transfer can be effected even after some delay, because the law does not prohibit the same. Learned counsel for the petitioner also could not point out any such prohibitory provision in this regard.

On being pointedly asked from learned counsel for the petitioner that since when the petitioner is posted at Bhanupratappur, he submits that the petitioner is posted there since 1998.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafide or extraneous considerations or is against any statutory Rule or the Act, it cannot be interfered with by a Court of Law.

Learned counsel for the petitioner could not point out any ground of malafide, or extraneous considerations or that the order has been passed against any Statutory Rule or the Act.

I do not find any reason to interfere with the order of transfer of the petitioner.

The petition has no merit and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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